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PROVISIONAL VERBATIM RECORD OF THE THREE THOUSAND AND EIGHTH MEETING

Held at Headquarters, New York,
on Thursday, 19 September 1991, at 11 a.m.

President:	Mr. MERIMEE	(France)
Members:	Austria	Mr. HOHENFELLNER
	Belgium	Mr. NOTERDAEME
	China	Mr. LI Daoyu
	Côte d'Ivoire	Mr. BECHIO
	Cuba	Mr. ALARCON DE QUESADA
	Ecuador	Mr. AYALA LASSO
	India	Mr. GHAREKHAN
	Romania	Mr. MUNTEANU
	Union of Soviet Socialist Republics	Mr. LOZINSKY
	United Kingdom of Great Britain and Northern Ireland	Sir David HANNAY
	United States of America	Mr. PICKERING
	Yemen	Mr. AL-ASHTAL
	Zaire	Mr. LUKABU KHABOUJI N'ZAJI
	Zimbabwe	Mr. MUMBENGEGWI

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The meeting was called to order at 11.25 a.m.

ADOPTION OF THE AGENDA

The agenda was adopted.

THE SITUATION BETWEEN IRAQ AND KUWAIT

REPORT BY THE SECRETARY-GENERAL PURSUANT TO PARAGRAPH 5 OF SECURITY COUNCIL RESOLUTION 706 (1991) (S/23006 and Corr.2)

The PRESIDENT (interpretation from French): I should like to inform the Council that I have received a letter from the representative of Iraq in which he requests that he be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Al-Anbari (Iraq) took a place at the Council table.

The PRESIDENT (interpretation from French): The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/23006 and Corr.2, which contains the report of the Secretary-General pursuant to paragraph 5 of Security Council resolution 706 (1991). Members of the Council also have before them the text of a draft resolution, contained in document S/23045, submitted by Belgium, France, Romania, the Union of Soviet Socialist

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Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

The first speaker on my list is the representative of Iraq, on whom I now call.

Mr. AL-ANBARI (Iraq) (interpretation from Arabic): I should like to congratulate you, Sir, upon your assumption of the presidency of the Security Council for the month of September. I am fully confident that, with your well-known calm diplomacy and steadfast perseverance and efforts, you shall fulfil the responsibilities of your presidency of the Security Council in the best manner possible.

It is also my pleasure to pay a tribute here to the high level of leadership demonstrated by your predecessor, the Permanent Representative of Ecuador, Ambassador Ayala Lasso.

(Mr. Al-Anbari, Iraq)

The Council is today considering a draft resolution calling for the implementation of resolution 706 (1991) of 15 August 1991 in the light of the report of the Secretary-General, which he prepared according to the provisions of paragraph 5 of that resolution, and which he presented to the Council on 4 September 1991. Therefore, the shortcomings and contradictions concerning resolution 706 (1991) that I underlined in my statement before the Security Council on 15 August 1991 apply automatically to the draft resolution that is before members inasmuch as the draft resolution aims at the implementation of a resolution that does not have the required elements for implementation. Thus I need not repeat the comments I have already made on resolution 706 (1991). I would merely remind the Council that this draft resolution, as was the case for resolution 706 (1991), while expressing the need to implement the recommendations of the Executive Delegate of the Secretary-General on the deteriorating economic situation in Iraq, and while expressing concern about the sanitary and living conditions of the Iraqi people, perpetuates the economic siege against Iraq, as well as the measures of the Sanctions Committee, which in many cases has proved unable to take the necessary decisions to agree to the import by Iraq of essential civilian commodities in accordance with paragraph 20 of resolution 687 (1991). In fact, one would fear lest resolution 706 (1991), as well as the draft resolution that is now before the Council, might indeed make the deterioration of the health and living conditions of the Iraqi people a political chip used to bring pressure to bear against Iraq and to make Iraq appear to be a State that pays no heed to the sufferings of its people, as if the inhuman siege against Iraq was imposed and maintained by the Government of Iraq, and not by the Security Council and the Committee established under resolution 661 (1990). That

(Mr. Al-Anbari, Iraq)

resolution and the draft resolution that is now before the Council aim, in contradiction with paragraph 20 of resolution 687 (1991), to provide moneys for the Compensation Fund and for the expenditures of the organs and experts, whose numbers are increasing daily. They are being appointed to strengthen the economic embargo against Iraq and to implement the other resolutions of the Council.

A careful reading of resolution 706 (1991) and of this draft resolution shows that under them Iraq has two choices, one more bitter than the other. The first choice involves the maintenance of the state of full siege with all the concomitant suffering and starvation of the Iraqi people. The second involves a limited exception to the siege, for which Iraq would in return concede its sovereignty over its oil resources, and acceptance of the hegemony of some Security Council members, through United Nations bodies, over Iraq's oil resources and prevention of Iraq from developing and manufacturing those resources. What is worse is that the second choice in practice implies maintaining the economic boycott, without limit in contradiction with resolutions 661 (1990) and 687 (1991), and merely allowing the Iraqi people to obtain the minimum essential commodities necessary to avoid starvation. However, the satisfaction of such requirements cannot provide a decent standard of living or development in Iraq. Even if Iraq were to choose the second option, the mechanisms of the resolutions, the conditions and limits therein concerning the import of Iraqi oil and essential civilian commodities would render that resolution unrealistic. Therefore, I believe that some members of the Security Council fully realize the difficulty of any practical implementation of the draft resolution. However, they are trying to escape their political, humanitarian and legal responsibilities through maintaining

(Mr. Al-Anbari, Iraq)

the siege against the Iraqi people. They are trying to escape the pressure of international public opinion and international humanitarian organizations and to place the blame on Iraq itself. If this was the position of some Council members, it would reflect political hypocrisy on the part of some States which, on the one hand, claim to defend human rights and the right to life while, on the other, they play with the lives of the Iraqi people in this distorted manner for political purposes.

While I have expressed Iraq's position of principle, allow me to mention some of the technical problems in the draft resolution that is before the Council. The draft resolution approves only some of the paragraphs in the Secretary-General's report. In doing so, it does not provide flexibility. Rather, it creates a vacuum and confusion for any import of Iraqi oil or the import by Iraq of essential civilian commodities. Entrusting the Secretary-General with all necessary measures to implement a draft resolution after its adoption will not eliminate these problems.

As for the operative paragraphs, we should like to make the following comments. Operative paragraph 1 confirms the figure of $1.6 billion, while totally ignoring the recommendation of the Executive Delegate of the Secretary-General, which requires, as a minimum, increasing that sum by $800 million. This observation reaffirms that some Council members, even in emergency conditions, wish to maintain a suffocating grip on Iraq, indeed to control its fate.

As to operative paragraph 2, it does not take into account the fact that oil marketing contracts usually provide the buyer with a payment period of from two to four months from the date the oil is shipped. Therefore, there

(Mr. Al-Anbari, Iraq)

will be no funds available to satisfy any of the purposes of resolution 706 (1991) during that period, even if all the paragraphs of that resolution are implemented. Moreover, the resolution and the draft resolution do not allow Iraq to export oil in the free market, which in practice leads to lowering the prices of oil and to instability in the oil market.

Regarding operative paragraph 3, which approves the recommendations in paragraphs 57 (d) and 58 of the Secretary-General's report, it allows illegitimate intervention in bilateral agreements between Iraq and Turkey on passage of Iraqi oil through Turkish territory. Indeed, it flouts the agreements between the two countries, as well as sums agreed between them and means of payment. That paragraph also ignores the expenses in respect of producing and transporting oil inside Iraqi territories, as well as the need to repair production and shipment facilities in Iraq. Paragraph 3, by agreeing to paragraph 58 of the report, represents an illegally unjustifiable intervention in the conditions of special contracts for the sale of oil. Furthermore, it specifies, without any practical purpose, the Turkish harbour as the only way through which Iraqi oil is to be exported.

(Mr. Al-Anbari, Iraq)

Furthermore, paragraph 6, which gives all those who work in accordance with the paragraphs of the draft resolution the privileges and diplomatic immunities of the United Nations regardless of their position and responsibility, as well as full freedom to move inside Iraqi territory, reflects the way in which the Security Council is flouting Iraqi laws and international conventions on diplomatic privileges and immunities.

In conclusion, the draft resolution calls for continuing consultations between the Committee established by resolution 661 (1990) and Iraq in order to facilitate the export of Iraqi oil. However, it deliberately ignores the need for such consultations on the import by Iraq of goods to meet essential civilian needs, and would therefore leave to every member of that Committee the right to disagree with or to veto the import by Iraq of any essential supplies with the exception of food and medicines. Such discrimination between the measures concerning the export of Iraqi oil and the import by Iraq of goods to meet civilian needs reaffirms once again what I have already said in my statement and shows the truth behind resolution 706 (1991) as well as the objectives of the draft resolution now before the Council.

The PRESIDENT (interpretation from French): I thank the representative of Iraq for his kind words addressed to me.

I understand that the Security Council is ready to vote on the draft resolution before it. If I hear no objection, I shall put it to the vote.

There being no objection, it is so decided.

I shall first call on those members of the Council who wish to make statements before the voting.

Mr. AL-ASHTAL (Yemen) (interpretation from Arabic): Sir, since the beginning of this month you have been guiding the work of the Security Council in a wise and capable manner and I should like to express to you our heartfelt

(Mr. Al-Ashtal, Yemen)

congratulations on your assumption of the presidency of the Security Council for this month and assure you of our continued cooperation. Since this is the first time that I am speaking in the Security Council this month, I should like also to express our thanks to Ambassador Ayala Lasso of Ecuador, who presided over the Council last month in a very skilful and courteous manner.

The draft resolution before the Council is an extension of resolution 706 (1991), adopted by the Council last month. Thus, the position of Yemen will be an extension of the position we had at that time. I have asked to speak at this time in order to explain briefly our great interest in the welfare of the innocent Iraqi people. We hope that they will not be adversely affected as a result of some parts of this draft resolution, which might not facilitate the arrival of foodstuffs and medical supplies at the right time and in the proper quantities. We agree to a great extent with the proposals of the Executive Delegate of the Secretary-General and we wish to state that this draft resolution should not be politicized, since it relates to humanitarian questions which transcend the differences that exist in the region. That is why my delegation will abstain in the vote on this draft resolution.

The PRESIDENT (interpretation from French): I thank the representative of Yemen for his kind words addressed to me.

Mr. ALARCON DE QUESADA (Cuba) (interpretation from Spanish): Sir, I should like to say first how pleased my delegation is to see you presiding over the work of the Security Council. The respect and admiration that we all feel for your country have grown in the light of your intelligent, dignified and cordial guidance of our intensive discussions under your skilled leadership. I also want to take this opportunity once again to thank

(Mr. Alarcon de Quesada, Cuba)

Ambassador Ayala Lasso, the Permanent Representative of Ecuador, for the exemplary way in which he directed the proceedings of the Council last month.

The draft resolution which has been submitted to us is inextricably related to resolution 706 (1991), which was adopted on 15 August by the Council. As stated by our colleague from Yemen, this draft is indeed an extension of that document. For obvious reasons, my delegation will not be able to vote in favour of it. I do not feel I need to elaborate on the reasons for this. We explained them at the time of the adoption of resolution 706 (1991) and they remain valid in connection with the draft now under consideration. In our opinion, the Council's approach involves a manipulation of humanitarian issues. It will mean a prolongation and strengthening of the sanctions imposed on Iraq in circumstances which, in our view, have long been unjustified. We also are witnessing an effort to disregard the principle of the sovereign equality of States and, in fact, the Council is acting in a way which goes beyond the attributes conferred upon it by the Charter.

My delegation, therefore, will vote on this draft in the same way as we voted on resolution 706 (1991).

The PRESIDENT (interpretation from French): I thank the representative of Cuba for his kind words adddressed to me.

We shall now vote on the draft resolution in document S/23045.

A vote was taken by show of hands.

In favour: Austria, Belgium, China, Côte d'Ivoire, Ecuador, France, India, Romania, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Zaire, Zimbabwe

Against: Cuba

Abstaining: Yemen

The PRESIDENT (interpretation from French): The result of the voting is as follows: 13 votes in favour, 1 against and 1 abstention. The draft resolution has been adopted as resolution 712 (1991).

I shall now call on those members of the Council who wish to make statements after the vote.

Mr. PICKERING (United States of America): Sir, I should like to join with others and extend to you my congratulations on your assumption of the presidency and, at the same time, to thank your predecessor, Ambassador Ayala Lasso of Ecuador, for the excellent manner in which he conducted the work of the Council for the month of August.

(Mr. Pickering, United States)

The United States is pleased to have been a sponsor of the Security Council resolution that has just been adopted, implementing the Council's earlier resolution, resolution 706 (1991) on humanitarian assistance to Iraq. Security Council resolution 706 (1991) provides a mechanism whereby some $1.6 billion-worth of Iraqi petroleum and petroleum products can be sold over a six-month period, primarily to finance Iraqi imports of food, medical supplies and other essential civilian needs. It also sets in train the process which will provide funds for an initial contribution from Iraq to the Compensation Fund, so that relief can also begin flowing at last to those outside Iraq who have suffered as a result of Iraq's unlawful invasion and occupation of Kuwait.

Resolution 706 (1991) will further generate funding for the work of the Special Commission and the Boundary Demarcation Commission, and for the return of Kuwaiti property still being held in Iraq. The Security Council has repeatedly stated its concern about Iraq's non-compliance with resolution 687 (1991), particularly with respect to the work of the Special Commission. This resolution will provide essential funding to help us ensure compliance, and it is entirely appropriate that the Iraqi Government should pay.

It is also important to emphasize that this limited authorization of the sale of Iraqi oil is being made within the existing sanctions regime, which remains firmly in place. It does not in any way represent a weakening of sanctions.

This implementing resolution is a key step towards bringing the Gulf crisis to a close and towards having Iraq meet its responsibilities.

(Mr. Pickering, United States)

My Government wishes to take this opportunity to compliment the Secretary-General and the Secretariat for their thorough, lucid and first-rate report on implementing resolution 706 (1991). The Secretary-General's report has made the Council's job much easier. In an unusually short time-frame the Secretariat produced a report which responded fully to the Council's needs and desires, spelling out the practical problems of implementation and making recommendations on overcoming such problems.

This implementing resolution responds closely to the Secretary-General's report. In drafting it, Council members also made a conscious effort throughout to take Iraq's legal standing into account. The implementing resolution sets up mechanisms to implement resolution 706 (1991), supports the Secretary-General in his implementation role and provides for ongoing review and assessment of the needs and requirements in Iraq.

I want to mention that the statement we have just heard from the representative of Iraq was somewhat unusual in that it had begun to address, perhaps for the first time, some important aspects of the draft resolution. The overall question of the sum, I think, accords very closely with the Secretary-General's recommendation to members of the Council in paragraph 57 (b) of his report, which is incorporated in paragraph 1 of the resolution we have just adopted, which not only permits the acceptance of the recommended sum from resolution 706 (1991) but also incorporates the essential principles of a continuing review mechanism, something the Secretary-General suggested that he himself would employ as the resolution moves towards full implementation.

(Mr. Pickering, United States)

With respect to privileges and immunities, I would mention only that they are strictly limited to the purposes of carrying out the resolution. Finally, there seemed to be something of a misreading of paragraph 4 of today's resolution, which talks about consultation to ensure the most effective implementation of the scheme approved in the resolution, which in the view of my Government touches upon not only the export of oil but also the import of food, medicine and other humanitarian items.

A crucial feature of the programme as mandated by resolution 706 (1991) and as detailed in the report and recommendations of the Secretary-General is that the sale of Iraqi oil and the procurement and distribution of relief supplies will be conducted, as I just noted, under the close supervision of the United Nations to ensure that the supplies reach those for whom they were intended.

Today's resolution will implement the international community's concern for providing Iraqi civilians humanitarian assistance. The way is now open for Iraqi authorities to allow that process to begin.

The PRESIDENT (interpretation from French): I thank the representative of the United States for the congratulatory words he addressed to me.

Mr. LOZINSKY (Union of Soviet Socialist Republics) (interpretation from Russian): First of all, Sir, permit me on behalf of the Soviet delegation to congratulate you on your assumption of the important post of President of the Security Council and to express our conviction that your diplomatic skill will facilitate success in the Council's work for September. I want also to thank His Excellency Ambassador José Ayala Lasso of Ecuador for his skilful leadership of the Council last month.

(Mr. Lozinsky, USSR)

The Soviet delegation voted in favour of the resolution the Council has just adopted, and was among its sponsors, because we believe that its adoption opens the way to the early implementation of the plan proposed by the Secretary-General for the implementation of Security Council resolution 706 (1991).

As the policies and actions of the Government of Iraq have not yet provided the Council with a basis for reducing or removing the sanctions adopted against that Government, the resolution just adopted, in accordance with paragraph 23 of resolution 687 (1991), provides Iraq with financial resources adequate for the purchase of foodstuffs and medicine and for meeting the basic needs of the civilian population, with a view to easing the situation of the civilian population of Iraq, primarily its most deprived sectors. We expect that, in accordance with today's resolution, the Security Council Committee on Sanctions will immediately decide to release the first third of the sum established for those needs. We note that provision has been made for a procedure for possibly increasing that sum in accordance with future assessments of Iraq's needs.

Although the scheme for the implementation of resolution 706 (1991) is not simple, we draw attention to paragraph 4 of today's resolution, which encourages the Secretary-General and the Sanctions Committee to cooperate, in close consultation with the Government of Iraq, to ensure the most effective implementation of the scheme provided for in the resolution.

The Soviet Union believes that, in the light of the current humanitarian situation, the resolution adopted today fully responds to the vital interests of the Iraqi people and expects the Government of Iraq to comply with it scrupulously.

The PRESIDENT (interpretation from French): I thank the representative of the Union of Soviet Socialist Republics for the kind words he addressed to me.

Sir David HANNAY (United Kingdom): Let me begin, Sir, by congratulating you on your assumption of the presidency and by congratulating your predecessor, Ambassador Ayala Lasso, on having occupied that post with such distinction during the month of August.

But I also begin by paying a tribute to the work of the Secretary-General and those who worked with him on the report which forms the basis for the resolution we have just adopted. We set him an extremely tough task in giving him only 20 days to produce a report on an extremely complex matter. I think he and his officials did a remarkable job. In the view of my delegation, they achieved the necessary balance between a rigorous scheme which would carry out the sense of the Council, as contained in Security Council resolution 706 (1991), to ensure that these exports of oil go to finance humanitarian supplies and other objectives of the United Nations, but in a sensitive way taking account of a number of the concerns expressed by members of the Council and by the Government of Iraq.

(Sir David Hannay, United Kingdom)

I should like to say that I agree wholeheartedly with what the representative of Iraq said when he suggested that it was incorrect to mix politics and humanitarian issues. I just wish he had not then gone on to do precisely that for the whole of his statement. This Council has never had any quarrel with the people of Iraq, who have suffered greatly from the misguided policies of their leaders and continue to suffer, and this present scheme that we are considering and have approved today is designed to relieve that suffering and to do so in a humanitarian way.

It is a pity that the views expressed from the Iraqi side should be such a caricature of what is in this resolution. For example, when criticism is levied at the figure of $1.6 billion, no account is taken of the fact that there is an explicit reference to the need to review this figure. The hard fact is that nobody can be precise today, in the middle of September, about the exact scope and scale of needs between now and the end of March, and we shall have to have ongoing reviews of this based, no doubt, on evaluations for which the Secretary-General and his Executive Delegate may be able to help us; and in the light of that we may have to take further decisions. All that is provided for in this resolution, and it is a great pity if that is not recognized.

Moreover, the representative of Iraq suggested that there is no way of realizing money from this scheme immediately because of the delay normally given for credit on oil sales. That is of course not the case for sales of oil on the spot market, and the way is therefore open to realize money much more quickly if the will is there. It is a pity to look always at the negative side when we are talking about human suffering and malnutrition and lack of medicine. With spot payments for oil it should be possible, if the

(Sir David Hannay, United Kingdom)

Government of Iraq, in whose total control this is because it is its agency that will be conducting the sales, wishes it. My hope is that they will be so willing and that we will see money flowing into this account and being made available for all the purposes set out in the resolution.

Then it was also suggested that the cooperation between the Government of Iraq and the Committee would be limited to the sales of oil. As the representative of the United States has said, that is not the case. The reference is an encouragement to the Committee to cooperate on the effective implementation of the scheme approved in this resolution. This scheme relates to all aspects; in particular it relates to the purchasing by Iraq of humanitarian relief supplies for all segments of its population. So this cooperation is not simply limited. I hope this cooperation will be forthcoming; it will be very welcome to my delegation if it is. Meanwhile, I can merely say that I am glad to have been able to be a sponsor of this resolution, because I am convinced that it contains the potential to provide genuine relief to those in Iraq who need it. But whether or not it does so lies as much in the hands of the Government of Iraq as in anyone else's.

The PRESIDENT (interpretation from French): I thank the representative of the United Kingdom for his congratulations.

I shall now make a statement as representative of France.

The resolution which we have just adopted will make it possible to implement resolution 706 (1991), for which France had taken the initiative, in order to respond to the humanitarian needs of the entire Iraqi population. The Security Council, in resolution 706 (1991), established the general framework in which it will be possible for Iraq to sell petroleum and purchase goods to meet essential needs. But it conferred upon the Secretary-General the difficult task of submitting to it, in the brief period of twenty days,

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recommendations on the modalities and financing of these transactions and the equitable distribution of essential goods.

I thank the Secretary-General for his report and for his recommendations, which fully cover the many and often highly technical aspects of the implementation of resolution 706 (1991).

Since the issuance of Prince Sadruddin Aga Khan's report describing the nutritional and health situation in Iraq, France has expressed its support for urgent action on the part of the Security Council to avoid a deterioration of the living conditions in that country. The adoption of resolution 712 (1991) completes the establishment of the mechanisms that will make it possible to meet the essential needs of the Iraqi population. France hopes that these mechanisms will begin to operate as rapidly as possible in order to achieve, as soon as possible, the humanitarian objectives that we have consistently pursued in the Security Council and in the Committee on Sanctions.

I now resume my functions as President of the Security Council.

There being no further speakers on my list, the Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 12.05 p.m.